

# EXHIBIT #2

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*Plaintiffs*

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA

18 IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
19 MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
20 LITIGATION

Case No. 8:10ML2151 JVS (FMOx)  
SECOND AMENDED ECONOMIC  
LOSS MASTER CONSOLIDATED  
COMPLAINT

21 This Document Relates To:  
22 ALL ECONOMIC LOSS ACTIONS  
23

JURY TRIAL DEMANDED

1 trade in allowance, or at a minimum address their concerns about the car's resale  
2 value. The dealer refused to repurchase the car or address their concerns about the  
3 resale value. The Barkers saw advertisements for Toyota vehicles on television, in  
4 magazines, on billboards, in brochures at the dealership, and display ads while  
5 driving past the dealership during the 10 years before they purchased their Toyota  
6 Corolla on March 3, 2010. Although they do not recall the specifics of the many  
7 Toyota advertisements they saw before they purchased their Corolla, they do recall  
8 that safety and reliability were a consistent theme across the advertisements they  
9 saw. Those representations about safety and/or reliability influenced their decision  
10 to purchase their Corolla. Had those advertisements or any other materials disclosed  
11 that Toyota vehicles could accelerate suddenly and dangerously out of the driver's  
12 control and lacked a fail-safe mechanism to overcome this, they would not have  
13 purchased their Corolla. If they had purchased it, they certainly would not have paid  
14 as much for it.

17 37. Plaintiff Richard Benjamin is a resident and citizen of Missouri. He  
18 owns a 2007 Toyota Sienna. Mr. Benjamin began investigating a trade of his 2007  
19 Sienna for a 2011 Sienna just before the recalls were made public. He has seen his  
20 trade-in value drop \$2,000 since the recalls according to KELLEY BLUE BOOK, NADA  
21 GUIDE, and Edmunds.com. Mr. Benjamin saw advertisements for Toyota vehicles on  
22 television, in magazines, on billboards, in brochures at the dealership, and on the  
23 Internet for several years before he purchased his Toyota Sienna on October 25,  
24 2007. Although he does not recall the specifics of the many Toyota advertisements  
25 he saw before he purchased his Sienna, he recalls that safety and reliability were a  
26 consistent theme across the advertisements he saw. Those representations about  
27  
28

- (c) Injunctive relief, restitution and appropriate relief under CAL. BUS. & PROF. CODE § 17500;
- (d) For appropriate damages for breach of express and implied warranties;
- (e) For revocation of acceptance;
- (f) For damages under the Magnuson-Moss Warranty Act;
- (g) Punitive damages;
- (h) For damages as allowed by the laws of the states as alleged in the alternate counts;
- (i) Attorneys' fees; and
- (j) An injunction ordering Toyota to implement an effective fail-safe mechanism on all vehicles with ETCS.

DATED: January 10, 2011.

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